

REMARKS

The Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 9-15, which were subject to the election of species requirement, have been canceled without prejudice. Claims 1-8 have been amended. No new matter has been added. Accordingly, Claims 1-8 and 16-25 will be pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Allowable Subject Matter

On page 3 of the Office Action, the Examiner indicated that Claims 6 and 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant appreciates the indication of allowable subject matter but has elected not to amend Claims 6 and 18 at this time because the Applicant believes their base claims and any intervening claims to be allowable for the below-stated reasons.

The Examiner provided the following statement of reasons for allowance:

The cited prior art does not disclose nor suggest wherein a period of the periodic operation of the processing circuit is variable and comprises a predetermined finite period of time which can be interrupted by occurrence of a predetermined event causing the processing circuit to operate and the processing circuit is configured to be controlled to operate at a first rate when a temperature is at a first value and is configured to be controlled to operate at a second rate slower than the first rate when the temperature is at a second value higher than the first value.

While the Applicant agrees that Claims 6 and 18 recite a combination of subject matter that is patentable over the cited references, the Applicant does not necessarily agree with or acquiesce in the statement of reasons for allowance given by the Examiner. Moreover, the Applicant notes that the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons than those given by the Examiner. The Applicant expressly reserves the right to set forth additional and/or alternative reasons for patentability and/or allowance with the present Application or in any other future proceeding.

Claim Rejections - 35 U.S.C. § 102(b)

On pages 2-3 of the Office Action, the Examiner rejected Claims 1-8 and 16-25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. App. Publ. No. 2002/0044050 (“Derbyshire”).

The rejection is improper. Section 102(b) states that a person shall be entitled to a patent unless “the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States”. The Applicant is entitled to an effective filing date of February 20, 2003, as the present Application is a national phase filing of the Applicant’s PCT application PCT/FR03/00571. Derbyshire was published on April 18, 2002, i.e., less than one year prior to the Applicant’s effective filing date. Therefore, Derbyshire does not qualify as prior art under 35 U.S.C. § 102(b). It is respectfully requested that the rejection be withdrawn.

To the extent the Examiner believes Derbyshire constitutes a reference under 35 U.S.C. § 102(e) the Applicant submits the following remarks in response.

A. Claims 1-5, 7, and 8

The Examiner stated that:

Derbyshire et al teaches a tire pressure sensor 9 10 for automobile vehicle wheels (abstract) and a microprocessor 6 19 for pressure measurement and for control of a radio transmission circuit 5, the sensor 9 10 having a module for activating the microprocessor 6 19 associated with an activation control timer 100 26, characterized in that wherein the timer 26 100 is programmable [0018] and means are provided for programming it [0119]. . . .

Claim 1 is in independent form and recites an “assembly” comprising, in combination with other elements, “a microprocessor for pressure measurement and for control of a radio transmission circuit,” a tire pressure sensor that “has a module for activating the microprocessor that is associated with an activation control timer that is programmable,” and “a feature for programming the timer.” Claims 2-5, 7, and 8 depend from independent Claim 1.

Derbyshire does not teach or suggest such an assembly having a tire pressure sensor that has a module for activating the microprocessor that is associated with an activation control timer that is programmable, and a feature for programming the timer. The Examiner asserts that Derbyshire discloses a “module for activating the microprocessor 6 19 associated with an activation control timer 100 26, characterized in that wherein the timer 26 100 is programmable [0018] and means are provided for programming it [0119].” Contrary to the Examiner’s assertion, however, the Applicant finds no indication in Derbyshire that the “timer 26” is programmable nor an indication in Derbyshire of a feature for programming the “timer 26.” Indeed, the “timer 26” of Derbyshire “functions regardless of whether the transmitter unit 2 is in ‘standby’ mode or operation mode,” and “every two seconds, the timer 26 outputs a wake-up signal to the microprocessor.” See paragraph [0067]. With regard to the “programmable timer 100” of Derbyshire, it is not used for activating a microprocessor, but instead is used to control the sampling of a received signal from a sensor 2. Consequently, the rejection of Claim 1 over Derbyshire is improper. Claim 1 is patentable over Derbyshire.

Dependent claims 2-5, 7, and 8, which depend from independent Claim 1, are also patentable. See 35 U.S.C. § 112, ¶ 4.

The Applicant respectfully requests withdrawal of the rejection of Claims 1-5, 7, and 8.

B. Claims 16-19

The Examiner stated that:

Derbyshire et al teaches a tire pressure sensor 9 10 for automobile vehicle wheels (abstract) and . . . a processing circuit 6 9 configured to receive signals from the tire pressure sensor 9 10 and output data based on the tire pressure 9 10, the processing circuit having a periodic operation 26 100; wherein a period of the periodic operation of the processing circuit is variable and comprises a predetermined finite period of time which can be interrupted by occurrence of a predetermined event causing the processing circuit to operation [0119][0122-0123].

Claim 16 is in independent form and recites a “pressure assembly for use with a wheel of a motor vehicle” comprising “a tire pressure sensor,” and “a processing circuit configured to receive signals from the tire pressure sensor and output data based on the tire pressure, the processing circuit having a periodic operation.” A “period of the periodic operation of the processing circuit is variable and comprises a predetermined finite period of time which can be interrupted by occurrence of a predetermined event causing the processing circuit to operate.” Claims 17-19 depend from independent Claim 16.

Derbyshire does not teach or suggest such a pressure assembly with a processing circuit configured to receive signals from a tire pressure sensor and having a periodic operation in which a “period of the periodic operation of the processing circuit is variable and comprises a predetermined finite period of time which can be interrupted by occurrence of a predetermined event causing the processing circuit to operate.” Instead, Derbyshire teaches a “timer 26” that outputs a wake-up signal at an interval, such as every two seconds. The “programmable timer

100” is used to control the sampling of a received signal from a sensor 2, and not to determine a variable period of operation of a processing circuit configured to receive signals from a tire pressure sensor. Moreover, there is no indication in Derbyshire of “a period of the periodic operation of the processing circuit . . . which can be interrupted by occurrence of a predetermined event causing the processing circuit to operate.” The rejection of Claim 16 over Derbyshire is improper. Claim 16 is patentable over Derbyshire.

Dependent claims 17-19, which depend from independent Claim 16, are also patentable. See 35 U.S.C. § 112, ¶ 4.

The Applicant respectfully requests withdrawal of the rejection of Claims 16-19.

C. Claims 20-25

Claim 20 is in independent form and recites a “method for operating a tire pressure sensor assembly of a motor vehicle configured to monitor pressure of a tire of the vehicle” comprising “operating a microprocessor of the tire pressure sensor at a first rate greater than zero” and “operating the microprocessor at a second rate greater than zero in response to a signal received from a sensor that is configured to monitor a parameter of an environment of the tire, the second rate being different than the first rate.” Claims 21-24 depend from independent Claim 20.

Derbyshire does not teach or suggest such a method including the step of “operating the microprocessor at a second rate greater than zero in response to a signal received from a sensor that is configured to monitor a parameter of an environment of the tire, the second rate being different than the first rate.” The Examiner has provided no indication of any teaching in Derbyshire of these limitations of Claim 20. The rejection of Claim 20 over Derbyshire is improper. Claim 20 is patentable over Derbyshire.

Dependent claims 21-25, which depend from independent Claim 20, are also patentable. See 35 U.S.C. § 112, ¶ 4.

The Applicant respectfully requests withdrawal of the rejection of Claims 20-25.

* * *

It is submitted that each outstanding rejection has been overcome, and that the application is in condition for allowance. The Applicant requests consideration and allowance of all pending Claims 1-8 and 16-25.

The Applicant expressly withdraws any and all claim amendments and remarks made in connection with any related patent application. The Applicant does not intend any prior claim amendment or remark in any related application to have any effect on the prosecution or scope of any claim in the present Application.

The Examiner is invited to contact the undersigned by telephone if it is believed that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

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